



**ARKANSAS  
BAIL BOND  
LAWS**

2014

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**5-54-120. Failure to appear.**

**(a)** A person commits the offense of failure to appear if he or she fails to appear without reasonable excuse subsequent to having been:

**(1)** Cited or summonsed as an accused; or

**(2)** Lawfully set at liberty upon condition that he or she appear at a specified time, place, and court.

**(b)** Failure to appear is a Class C felony if the required appearance was to answer a charge of felony or for disposition of any felony charge either before or after a determination of guilt of the felony charge.

**(c)(1)** Failure to appear is a Class A misdemeanor if the required appearance was to answer a charge of misdemeanor or for disposition of any misdemeanor charge either before or after a determination of guilt of the misdemeanor charge.

**(2)** Failure to appear is a Class C misdemeanor if the required appearance was to answer a violation.

**(d)** This section does not apply to an order to appear imposed as a condition of suspension or probation pursuant to § 5-4-303 or an order to appear issued prior to a revocation hearing pursuant to § 5-4-310.

**HISTORY:** Acts 1975, No. 280, § 2820; A.S.A. 1947, § 41-2820; Acts 1991, No. 916, § 1.

**5-71-208. Harassment.**

**(a)** A person commits the offense of harassment if, with purpose to harass, annoy, or alarm another person, without good cause, he or she:

**(1)** Strikes, shoves, kicks, or otherwise touches a person, subjects that person to offensive physical contact or attempts or threatens to do so;

**(2)** In a public place, directs obscene language or makes an obscene gesture to or at another person in a manner likely to provoke a violent or disorderly response;

**(3)** Follows a person in or about a public place;

**(4)** In a public place repeatedly insults, taunts, or challenges another person in a manner likely to provoke a violent or disorderly response;

**(5)** Engages in conduct or repeatedly commits an act that alarms or seriously annoys another person and that serves no legitimate purpose; or

**(6)** Places a person under surveillance by remaining present outside that person's school, place of employment, vehicle, other place occupied by that person, or residence, other than the residence of the defendant, for no purpose other than to harass, alarm, or annoy.

**(b)** Harassment is a Class A misdemeanor.

**(c)** It is an affirmative defense to prosecution under this section if the actor is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment.

**(d)(1)** Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

**(2)** This no contact order remains in effect during the pendency of any appeal of a conviction under this section.

**(3)** The judicial officer or prosecuting attorney shall provide a copy of this no contact order to the victim and arresting agency without unnecessary delay.

**(e)** If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305.

**HISTORY:** Acts 1975, No. 280, § 2909; 1985, No. 711, § 1; A.S.A. 1947, § 41-2909; Acts 1993, No. 379, § 5; 1993, No. 388, § 5; 1995, No. 1302, § 3.

**5-71-229. Stalking.**

**(a)(1)** A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor:

**(A)** Does so in contravention of an order of protection consistent with the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim;

**(B)** Has been convicted within the previous ten (10) years of:

**(i)** Stalking in the second degree;

**(ii)** Terroristic threatening, § 5-13-301 or terroristic act § 5-13-310; or

**(iii)** Stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction; or

**(C)** Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon.

**(2)(A)** Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

**(B)** The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection (a) of this section.

**(C)** The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and the arresting law enforcement agency without unnecessary delay.

**(D)** If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305.

**(3)** Stalking in the first degree is a Class C felony.

**(b)(1)** A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

**(2)(A)** Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

**(B)** The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection (b).

**(C)** The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and arresting law enforcement agency without unnecessary delay.

**(D)** If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305.

**(3)** Stalking in the second degree is a Class D felony.

**(c)(1)** A person commits stalking in the third degree if he or she knowingly commits an act that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety.

**(2)(A)** Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of the penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

**(B)** The no contact order remains in effect during the pendency of any appeal of a conviction under this section (c).

**(C)** The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and the arresting law enforcement agency without unnecessary delay.

**(D)** If the judicial officer has reason to believe that mental disease



or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter orders consistent with §5-2-305.

**(3)** Stalking in the third degree is a Class A misdemeanor.

**(d)** It is an affirmative defense to prosecution under this section if the actor is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment.

**(e)** It is not a defense to a prosecution under this section that the actor was not given actual notice by the victim that the actor's conduct was not wanted.

**(f)** As used in this section:

**(1)(A)** "Course of conduct" means a pattern of conduct composed of two (2) or more acts separated by at least thirty-six (36) hours, but occurring within one (1) year including without limitation and act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property.

**(B)(i)** "Course of conduct" does not include constitutionally protected activity.

**(ii)** If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence;

**(2)(A)** "Emotional distress" means significant mental suffering or distress.

**(B)** "Emotional distress" does not require that the victim sought or received medical or other professional treatment or counseling; and

**(3)** "Harasses" means an act of harassment as prohibited by § 5-71-208;

**HISTORY:** Acts 1993, No. 379, §§ 1-3; 1993, No. 388, §§ 1-3; 1995, No.

1302, § 1; 2007, No. 827, § 94, 2013, No. 1014 § 1, 2013, No.1014, §1.

**14-52-111. Fees for bail or delivery bond.**

A municipal police department in this state may charge and collect a fee of twenty dollars (\$20.00) for taking and entering a bail or delivery bond.

**HISTORY:** Acts 1997, No. 252, § 1; 2003, No. 1347, § 1 2013, No. 1281 § 1.

**16-19-408. Improper venue of action.**

**(a)** Whenever an objection is made by a defendant in any action cognizable before a justice of the peace or a municipal court, instituted by summons or warrant, or in an action by an attachment, an action for the recovery of personal property, an action by provisional remedy, or in any criminal action or proceeding, that the action was brought before a justice of the peace or a municipal court wherein the venue is improper under the laws of the State of Arkansas, the court shall immediately hear proof on the question. If it is established by proof that the venue is improper, then all further proceedings shall be discontinued and the justice of the peace or clerk of the municipal court shall transmit to a justice of the peace or municipal court wherein the venue is proper all the original papers in the case, including the bail bond, if there is any.

**(b)** If the defendant is in custody, he shall be taken and delivered before the justice of the peace or the municipal court, and the bail, if any, shall be liable for the appearance of the defendant in the court to which the papers are transmitted.

**(c)** The court to which the papers are transmitted shall proceed to try the action in all respects as if the action had been originally brought to the court.

**HISTORY:** Acts 1949, No. 224, § 1; A.S.A. 1947, § 26-310.

**16-81-109. Bail.**

**(a)(1)** When any sheriff or other law enforcement officer makes an arrest, he or she is authorized to take and to approve bail in the manner provided by law wherever he or she makes the arrest.

**(2)** If the offense charged is a misdemeanor, the person arrested may immediately give bail for appearing on a day to be named in the bail bond before the judge or magistrate who issued the warrant or before the court having jurisdiction to try the offense. The sheriff or other officer making the arrest may be authorized by the judge or magistrate issuing the warrant to take the bail by an endorsement made on the warrant to that effect.

**(b)(1)** If the defendant gives bail for his or her appearance before the judge or magistrate for an examination of the charge, as provided in subsection (a) of this section, the sheriff or officer taking the bail shall fix the day of the defendant's appearance.

**(2)** A deviation from the provisions of subdivision (b)(1) of this section shall not, however, render the bail bond invalid.

**HISTORY:** Crim. Code, §§ 25-27; Acts 1871, No. 49, § 1 [25]; C. & M. Dig., §§ 2896-2898; Init. Meas. 1936, No. 3, § 19, Acts 1937, p. 1384; Pope's Dig., §§ 3712-3714, 3865; A.S.A. 1947, §§ 43-411, 43-418 -- 43-420; Acts 2005, No. 1994, § 268.

#### **16-81-110. Return on the warrant.**

**(a)(1)** The sheriff or officer who has executed a warrant of arrest shall make a written return on the warrant of the time and manner of executing it and deliver the warrant to the judge or magistrate before whom the defendant is brought.

**(2)** If bail is given as provided in § 16-81-109(a)(2), the officer shall deliver the warrant and bail bond to the judge or magistrate before whom, or to the clerk of the court in which, the defendant is bound by the bail bond to appear.

**(b)** If the arrest is made in a different county from that in which the offense is charged to have been committed and bail is given, the sheriff or officer may transmit the warrant and bail bond by mail to the person to whom by subsection (a) of this section he or she is required to deliver them.

**HISTORY:** Crim. Code, §§ 30, 31; C. & M. Dig., §§ 2901, 2902; Pope's Dig., §§ 3717, 3718; A.S.A. 1947, §§ 43-421, 43-422; Acts 2005, No. 1994, §268.

## **16-84-101. Definitions.**

As used in this chapter:

**(1)** "Admission to bail" means an order from a competent court or magistrate that the defendant be discharged from actual custody on bail and fixing the amount of the bail;

**(2)** "Direct supervision" means the person is in the physical presence of and acting pursuant to instructions from an Arkansas-licensed bail bond agent;

**(3)** "Professional bail bondsman" means an individual licensed as a professional bail bondsman by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board pursuant to § 17-19-201 et seq.;

**(4)** "Professional bail bond company" means a person holding a professional bail bond company license issued by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board pursuant to § 17-19-201 et seq.;

**(5)** "Surety" means the person who becomes the surety for the appearance of the defendant in court; and

**(6)(A)** "Taking of bail" or "take bail" means the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking, or that the surety will pay to the court the sum specified.

**(B)** "Taking of bail" or "take bail" shall not include the fixing of the amount of bail and no person other than a competent court or magistrate shall fix the amount of bail.

**HISTORY:** Acts 1989, No. 417, § 5; 1997, No. 973, § 1; 2001, No. 1387, §1.

## **16-84-102. Person authorized to take bail**

**(a)** The following may take bail:

**(1)** A judge, magistrate, or clerk of the court;

(2) A sheriff or deputy sheriff with respect to any person committed to the common jail of the county;

(3) Any law enforcement officer designated by a municipal police department with respect to any person committed to a municipal jail; and

(4) A law enforcement officer making an arrest as authorized under § 16-81-109.

(b) A constable shall not take bail.

**HISTORY:** Acts 1989, No. 417, § 5; 2005, No. 1994, § 270.

### **16-84-103 Qualification of surety.**

(a) The surety shall be:

(1) A professional bail bondsman acting through a professional bail bond company; or

(2) A resident of the state, owner of visible property, over and above that exempt from execution, to the value of the sum in which bail is required, and shall be worth that amount after the payment of the surety's debts and liabilities.

(b)(1)(A)(i) The person or persons offered as surety shall be examined on oath in regard to qualifications as surety, and any officer authorized to take bail is authorized to administer the oath, reduce the statements on oath to writing, and require the person or persons offered as surety to sign the statement.

(ii) Other proof may also be taken in regard to the sufficiency of the surety.

(B) Prior to submission to the court or magistrate, the statement shall also be signed by the sheriff or chief of police in the jurisdiction where the defendant is charged.

(2) Proof that the surety is a licensed professional bail bondsman shall be deemed sufficient proof of the sufficiency of the surety, and the surety shall be accepted by all courts in this state or by any individual authorized to take bail under the provisions of § 16-84-102.

(c) No person shall be taken as surety unless the court or magistrate is

satisfied, from proof and examination on oath, of the sufficiency of the person according to the requisitions of subsection (b) of this section.

**(d)** Where more than one (1) person is offered as surety, they shall be deemed sufficient if, in the aggregate, they possess the qualifications required.

**HISTORY:** Acts 1989, No. 417, § 5; 1997, No. 973, § 2; 2003, No. 1648, §1.

#### **16-84-104. Additional security.**

There shall be no rules, regulations, or requirements enacted by any judge, magistrate, sheriff, or other officer of the court, requiring any professional bail bondsman or professional bail bond company to post any sum of security in addition to that required by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board pursuant to § 17-19-205 as a requirement for acceptance or writing bail bonds.

**HISTORY:** Acts 1989, No. 417, § 5; 1997, No. 973, § 3.

#### **16-84-105. Responsibility of officer taking bail.**

**(a)** The officer who takes bail shall be officially responsible for the sufficiency of the surety if taken other than through a professional bail bondsman.

**(b)** If the surety is not a professional bail bondsman, and the defendant has not yet appeared before a judicial officer pursuant to Rule 9 of the Arkansas Rules of Criminal Procedure, the officer shall file a statement with the court describing the property of the surety upon which the sufficiency of the surety is based. The description of the property shall include the value of the property. The statement shall also be signed by the sheriff or chief of police in the jurisdiction where the defendant is charged.

**(c)** The officer who takes bail shall give a prenumbered written receipt for the collateral. The receipt shall give in detail a full account of the collateral received.

**(d)** An officer who takes bail shall not be liable for any bond ordered by a judicial officer under Rule 9.2(b)(i) or (ii) of the Arkansas Rules of Criminal Procedure.

**HISTORY:** Acts 1989, No. 417, § 5; 1995, No. 470, § 1.

**16-84-106. Attorneys and officers not to be sureties.**

No attorney, solicitor, or counselor at law or in equity, clerk, sheriff, chief of police, law enforcement officer, or other person concerned in the execution of any process, shall become a personal guarantor or surety in any criminal proceeding.

**HISTORY:** Acts 1989, No. 417, § 5; 1997, No. 1046, § 1.

**16-84-107. Form of bond.**

**(a)** The undertaking of the surety, other than by a professional bail bondsman, shall be substantially as follows:

“A.B., being in custody, charged with the offense of ..... (naming or briefly describing it), and being admitted to bail in the sum of ..... dollars, we C.D., of ..... (stating his place of residence), and E.F., of ..... (stating his place of residence), hereby undertake that the above named A.B. shall appear in the ..... court on the ..... day of its ..... term to answer said charge, and shall at all times render himself or herself amenable to the orders and process of said court in prosecution of said charge, and, if convicted, shall render himself in execution thereof; or if he fail to perform either of these conditions, that we will pay to the appropriate court the sum of ..... dollars.”

**(b)** If the surety is a professional bail bondsman, the undertaking of the surety shall be in a form prescribed by the regulations of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

**HISTORY:** Acts 1989, No. 417, § 5; 1997, No. 973, § 4.

**16-84-108. Bonds not void for want of form.**

No prosecution, appeal, nonresident, or attachment bond, nor any other statutory bonds of any party, plaintiff, or defendant in any court of justice, in this state, nor any recognizance in any criminal cause in this state, shall be declared null and void for the want of form if the intent of the bond can be plainly deduced from the body of the bond or recognizance.

**HISTORY:** Acts 1989, No. 417, § 5.

**16-84-109. Irregularity of bail bond or recognizance.**

**(a)** No bail bond or recognizance shall be deemed to be invalid by:

**(1)** Reason of any variance between its stipulations and the provisions of this chapter;

**(2)** The failure of the judge or magistrate or officer to transmit or deliver the bail bond or recognizance at the times provided in this subchapter; or

**(3)** Any other irregularity so that it is made to appear that the defendant was:

**(A)** Legally in custody;

**(B)(i)** Charged with the public offense; and

**(ii)** Discharged from the offense by reason of the giving of the bond or recognizance; and

**(C)** Can be ascertained from the bond or recognizance, that the surety undertook that the defendant should appear before a judge or magistrate for the trial of the offense.

**(b)(1)** If no day is fixed for the appearance, or an impossible day, or a day in vacation, the bond or recognizance, if for his or her appearance before a judge or magistrate, shall be considered as binding the defendant so to appear and surrender himself or herself into custody for an examination of the charge in twenty (20) days from the time of his or her giving the bond or recognizance.

**(2)** The bond or recognizance, if for his or her appearance for trial in court, shall be considered as binding the defendant to appear and surrender himself or herself into custody on the first day of the next term of the court which shall commence more than ten (10) days after the giving of the bond or recognizance.

**HISTORY:** Acts 1989, No. 417, § 5; 2005, No. 1994, § 271.



**16-84-110. Bail before conviction.**

Before conviction, the defendant may be admitted to bail for his or her appearance:

- (1) Before a judge or magistrate for an examination of the charge, where the offense charged is a misdemeanor;
- (2) In the court to which he or she is sent for trial;
- (3) To answer an indictment which has been found against him or her; or
- (4) In a criminal action.

**HISTORY:** Acts 1989, No. 417, § 5; 2005, No. 1994, § 271.

**16-84-111. Bail during trial.**

(a) During the trial of an indictment for a misdemeanor, the defendant may remain on bail.

(b) However, for a felony when a defendant is upon bail, he or she may remain upon bail or be kept in actual custody as the court may direct. If the defendant remains on bail, any surety's liability shall be exonerated unless the surety has agreed to remain as the surety until final judgment is rendered.

**HISTORY:** Acts 1989, No. 417, § 5.

**16-84-112. Entering of recognizance on court minutes.**

All recognizances required or authorized to be taken in any criminal proceeding, in open court, by any court of record shall be entered on the minutes of the court, and the substance thereof shall be read to the person recognized.

**HISTORY:** Acts 1989, No. 417, § 5.

**16-84-113. Application for bail.**

(a) If the defendant is committed to jail and the application for bail is made to a judge or magistrate during vacation, it must be by written

petition signed by the defendant or his or her counsel briefly stating the offense for which he or she is committed and naming the persons offered as surety.

**(b)** In all other cases, the application may be made orally to the judge or magistrate.

**HISTORY:** Acts 1989, No. 417, § 5; 2005, No. 1994, § 272.

**16-84-114. Surrender of defendant.**

**(a)(1)** At any time before the forfeiture of their bond, the surety may surrender the defendant or the defendant may surrender himself or herself to the jailer of the county in which the offense was committed.

**(2)** However, the surrender must be accompanied by a certified copy of the bail bond to be delivered to the jailer, who must detain the defendant in custody thereon as upon a commitment and give a written acknowledgment of the surrender.

**(3)** The surety shall thereupon be exonerated.

**(b)(1)** For the purpose of surrendering the defendant, the surety may obtain from the officer having in his or her custody the bail bond or recognizance a certified copy thereof, and thereupon at any place in the state may arrest the defendant.

**(2)** No person other than an Arkansas-licensed bail bond agent, an Arkansas-licensed private investigator, a certified law enforcement officer, or a person acting under the direct supervision of an Arkansas-licensed bail bond agent shall be authorized to apprehend, detain, or arrest a defendant on a bail bond, wherever issued, unless that person is licensed as a bail bond agent by the state where the bail bond was written.

**(3)** No person shall represent himself or herself to be a bail enforcement agent, bounty hunter, or similar title in this state.

**(4)** Any bail bond agent attempting to apprehend a defendant shall notify the local law enforcement agency or agencies of his or her presence and provide the local law enforcement agency or agencies with the defendant's name, charges, and suspected location.

**(5)** Any person who violates any provision of this section shall be guilty

of a Class D felony.

**(c)** The surety may arrest the defendant without the certified copy.

**(d)** If the surety has good cause for surrendering the defendant and has complied with the provisions of this section in surrendering the defendant, there shall be no requirement that the surety return part or all of the premium paid for the bail bond.

**HISTORY:** Acts 1989, No. 417, § 5; 1995, No. 593, § 1; 1999, No. 1445, §1; 2001, No. 1387, § 2.

**16-84-115. Deposit of money in lieu of bail.**

Notwithstanding any rule of criminal procedure to the contrary;

**(1)(A)** Whenever the defendant is admitted to bail in a specified sum, he or she may deposit the sum with the proper city or county official in the city or county in which the trial is directed to be had and take from the official a receipt of the deposit, upon delivering which to the officer in whose custody he or she is, he or she shall be discharged.

**(B)** After bail has been taken, a deposit may in like manner be made of the sum mentioned in the bail bond, which shall exonerate the surety.

**(2)** Where money is deposited, the proper city or county official shall hold and pay the money according to the orders of the court having jurisdiction to try the offense, and he or she and his or her sureties shall be liable for the money on their official bond.

**(3)** Upon judgment being rendered against a defendant for fine and costs, the court rendering judgment may order any money deposited agreeably to this section to be applied to the payment thereof. This subdivision (a)(3) shall not apply to a bail bond of a bail bondsman.

**(4)** The mayor shall designate the city official or officials who may accept a deposit of money in lieu of bail, and the county judge shall designate the county official or officials authorized to accept a deposit of money in lieu of bail.

**HISTORY:** Acts 1989, No. 417, § 5; 1991, No. 720, § 1.

**16-84-116. Reccommitment after bail or deposit of money.**

**(a)** The court in which a prosecution for a public offense is pending may, by an order, direct the defendant to be arrested and committed to jail until legally discharged, after he or she has given bail, or deposited money in lieu thereof, in the following cases:

**(1)** When by having failed to appear, a forfeiture of bail or of the money deposited has been incurred;

**(2)** When the court is satisfied that his or her surety, or either of them, is dead, or insufficient, or has moved from the state;

**(3)** Upon an indictment's being found for an offense not bailable.

**(b)** Upon the order being made, the clerk shall issue process for the arrest and recommitment of the defendant. If the order is made on account of either of the cases mentioned in subdivision (a)(1) or (a)(2) of this section, the defendant shall be admitted to bail as upon his or her first commitment, in a sum to be fixed by the court and named in the process for his or her arrest.

**HISTORY:** Acts 1989, No. 417, § 5.

**16-84-201. Action on bond in district courts.**

**(a)(1)(A)** If the defendant fails to appear for trial or judgment, or at any other time when his or her presence in district court may be lawfully required, or to surrender himself or herself in execution of the judgment, the district court may direct the fact to be entered on the minutes and shall promptly issue an order requiring the surety to appear, on a date set by the district court not more than one hundred twenty (120) days from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, to show cause why the sum specified in the bail bond or the money deposited in lieu of bail should not be forfeited.

**(B)** The one-hundred-twenty-day period in which the defendant must be surrendered or apprehended under subdivision (c)(2) of this section begins to run from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety.

**(2)** The order shall also require the officer who was responsible for

taking of bail to appear unless:

**(A)** The surety is a bail bondsman; or

**(B)** The officer accepted cash in the amount of bail.

**(b)** The appropriate law enforcement agencies shall make every reasonable effort to apprehend the defendant.

**(c)(1)** If the defendant is surrendered or arrested, or good cause is shown for his or her failure to appear before judgment is entered against the surety, the district court shall exonerate a reasonable amount of the surety's liability under the bail bond.

**(2)** However, if the surety causes the apprehension of the defendant or the defendant is apprehended within one hundred twenty (120) days from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, a judgment or forfeiture of bond may not be entered against the surety, except as provided in subsection (e) of this section.

**(d)** If after one hundred twenty (120) days from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, the defendant has not surrendered or been arrested, the bail bond or money deposited in lieu of bail may be forfeited without further notice or hearing.

**(e)** If the defendant is located in another state and the location is known within one hundred twenty (120) days from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety, the appropriate law enforcement officers shall cause the arrest of the defendant and the surety shall be liable for the cost of returning the defendant to the district court in an amount not to exceed the face value of the bail bond.

**(f)(1)** In determining the extent of liability of the surety on a bond forfeiture, the court, without further notice or hearing, may take into consideration the expenses incurred by the surety in attempting to locate the defendant and may allow the surety credit for the expenses incurred.

**(2)** To be considered by the court, information concerning expenses incurred in attempting to locate the defendant should be submitted to the court by the surety no later than the one-hundred-twentieth day from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety.

**(g)** Notwithstanding any law to the contrary, a district court may suspend a bail bond company's or agent's ability to issue bail bonds in its court if the bail bond company or agent fails to comply with an order of the district court or fails to pay forfeited bonds in accordance with a district court's order.

**HISTORY:** Acts 1989, No. 417, § 5; 1991, No. 991, § 1; 1993, No. 841, § 1; 1995, No. 1106, § 1; 1999, No. 567, § 5; 2003, No. 752, § 2; 2003, No.1572, § 1; 2009, No. 633, § 16.

### **16-84-202. Disposition of deposit.**

**(a)** Where money is deposited in lieu of bail with a city official, after the forfeiture and final judgment of the court, the city official shall make settlement with the city treasurer who shall deposit the funds to the credit of the city general fund.

**(b)** Where money is deposited in lieu of bail with a county official, after the forfeiture and final adjournment of the court, the county official shall make settlement with the county treasurer who shall deposit the funds to the credit of the county general fund.

**HISTORY:** Acts 1989, No. 417, § 5; 1991, No. 720, § 2.

### **16-84-203. Certain absences excused.**

**(a)** No forfeiture of any appearance or bail bond shall be rendered in any case where a sworn statement of a licensed court-appointed physician is furnished the court showing that the principal in the bond is prevented from attending by some physical or mental disability or where a sworn affidavit of the jailer, warden, or other responsible officer of a jail or correctional facility in which the principal is being detained shall be furnished to the court, or a sworn affidavit of any officer in charge is furnished to the court showing that the principal in the bond is prevented from attending due to the fact that he or she is being detained by a force claiming to act under the authority of the federal government that neither the state nor the surety could control.

**(b)** The appearance or bail bond shall remain in full force and effect until the principal is physically or mentally able to appear or until a detainer against the principal is filed with the detaining authority.

**HISTORY:** Acts 1989, No. 417, § 5; 2005, No. 1994, § 283.

**16-84-207. Action on bail bond in circuit courts.**

**(a)** If a bail bond is granted by a judicial officer, it shall be conditioned on the defendant's appearing for trial, surrendering in execution of the judgment, or appearing at any other time when his or her presence in circuit court may be lawfully required under Rule 9.5 or Rule 9.6 of the Arkansas Rules of Criminal Procedure, or any other rule.

**(b)(1)** If the defendant fails to appear at any time when the defendant's presence is required under subsection (a) of this section, the circuit court shall enter this fact by written order or docket entry, adjudge the bail bond of the defendant or the money deposited in lieu thereof to be forfeited, and issue a warrant for the arrest of the defendant.

**(2)** The circuit clerk shall:

**(A)** Notify the sheriff and each surety on the bail bond that the defendant should be surrendered to the sheriff as required by the terms of the bail bond; and

**(B)** Immediately issue a summons on each surety on the bail bond requiring the surety to personally appear on the date and time stated in the summons to show cause why judgment should not be rendered for the sum specified in the bail bond on account of the forfeiture.

**(c)(1)(A)** If the defendant is apprehended and brought before the circuit court within seventy-five (75) days of the date notification is sent under subdivision (b)(2)(A) of this section, then no judgment of forfeiture may be entered against the surety.

**(B)** The surety shall be liable for the cost of returning the defendant to the circuit court in an amount not to exceed the face amount of the bond.

**(2)(A)** If the defendant is apprehended and brought before the circuit court after the seventy-five-day period under subdivision (c)(1) of this section, the circuit court may exonerate the amount of the surety's liability under the bail bond as the circuit court determines in its discretion and, if the surety does not object, enter judgment accordingly against the surety.

**(B)** In determining the extent of liability of the surety on the bond, the circuit court may take into consideration the actions taken and the expenses incurred by the surety to locate the defendant, the expenses

incurred by law enforcement officers to locate and return the defendant, and any other factors the circuit court finds relevant.

**(3)** The appropriate law enforcement agencies shall make every reasonable effort to apprehend the defendant.

**(d)(1)** If the surety does not consent to the entry of judgment in the amount determined under subsection (c) of this section, or if the defendant has not surrendered or been brought into custody, then at the time of the show cause hearing unless continued to a subsequent time, the circuit court shall determine the surety's liability and enter judgment on the forfeited bond.

**(2)** The circuit court may exercise its discretion in determining the amount of the judgment and may consider the factors listed in subsection (c) of this section.

**(e)(1)** No pleading on the part of the state shall be required in order to enforce a bond under this section.

**(2)** The summons required under subsection (b) of this section shall be made returnable and shall be executed as in civil actions, and the action shall be docketed and shall proceed as an ordinary civil action.

**(3)** The summons shall be directed to and served on the surety in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure, and the surety's appearance pursuant to the summons shall be in person and not by filing an answer or other pleading.

**(f)** Notwithstanding any law to the contrary, a circuit court may suspend a bail bond company's or agent's ability to issue bail bonds in its court if the bail bond company or agent fails to comply with an order of the circuit court or fails to pay forfeited bonds in accordance with a circuit court's order.

**HISTORY:** Acts 2003, No. 752, § 1; 2003, No. 1472, § 1; 2009, No. 290, §1.

**16-85-101. Right to attorney, physician, and phone calls.**

**(a)** While confined and awaiting trial in any prison or jail in this state, no prisoner shall be denied the right to:

**(1)** Consult an attorney of the prisoner's own choosing;



(2) Call a physician of the prisoner's own choosing if in need of one;  
or

(3) Place free telephone calls to a bondsperson if the calls are local calls.

(b) Any officer or other person having charge or supervision of any prisoner in the state who refuses to permit the prisoner to consult an attorney of the prisoner's own choosing, call a physician of the prisoner's own choosing, or place free telephone calls to a bondsperson if the calls are local shall be guilty of a Class B misdemeanor.

**HISTORY:** Acts 1937, No. 306, §§ 2, 3; Pope's Dig., §§ 3043, 3044; A.S.A.1947, §§ 43-417.1, 43-417.2; Acts 2001, No. 1682, § 1; 2003, No. 1648, § 2; 2005, No. 1994, § 236.

### **16-90-105. Verdict of guilty.**

(a) Upon the return of a verdict of guilty, if tried by a jury, or the finding of guilt if tried by the circuit court without a jury, sentence may be announced.

(b) The judgment of the court may be then and there entered for sentencing and the entry of the judgment may be postponed to a date certain then fixed by the court not more than thirty (30) days thereafter, at which time probation reports may be submitted, matters of mitigation presented, or any other matter heard that the court or the defendant might deem appropriate to consider before the pronouncement of sentence and entry of the formal judgment.

(c) If the defendant is ordered to be held without bond or for any reason whatever, the defendant may file a written demand for immediate sentencing, whereupon the trial judge shall cause formal sentence and judgment to be made of record.

(d) At the time sentence is announced and judgment entered, the trial judge must advise the defendant of his or her right to appeal and either fix or deny bond.

(e) In its discretion, the trial judge may order:

(1) The defendant released from custody on his or her own recognizance;

(2) Another bond fixed;

(3) The defendant to remain subject to the provisions of his or her bond if the defendant appeared at trial on bail bond; or

(4) The defendant to the custody of the sheriff to be held without bond.

**HISTORY:** Acts 1971, No. 333, § 2; A.S.A. 1947, § 43-2301.

#### **16-94-216. Bail.**

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, the judge or magistrate must admit the person arrested to bail by bond or undertaking, with sufficient sureties, and in such sum as the judge or magistrate deems proper, for the prisoner's appearance before the judge or magistrate at a time specified in such bond or undertaking, and for the prisoner's surrender, to be arrested upon the warrant of the Governor of this state.

**HISTORY:** Acts 1935, No. 126, § 16; Pope's Dig., § 6096; A.S.A. 1947, §43-3016.

#### **16-94-217. Discharge of warrant.**

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, the judge or magistrate may discharge the accused or may recommit the accused to a further day, or may again take bail for his or her appearance and surrender, as provided in § 16-94-216; and at the expiration of the second period of commitment, or if the accused has been bailed and appeared according to the terms of his or her bond or undertaking, the judge or magistrate may either discharge the prisoner, or may require the prisoner to enter into a new bond or undertaking, to appear and surrender himself or herself at another day.

**HISTORY:** Acts 1935, No. 126, § 17; Pope's Dig., § 6097; A.S.A. 1947, § 43-3017.

### **17-19-101. Definitions.**

As used in this chapter, unless the context otherwise requires:

**(1)** "Bail bond or appearance bond" means a bond for a specified monetary amount which is executed by the defendant and a qualified licensee under this chapter and which is issued to a court, magistrate, or authorized officer as security for the subsequent court appearance of the defendant upon his or her release from actual custody pending the appearance;

**(2)** "Board" means the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board;

**(3)** "Insurer" means any surety company which has qualified to transact surety business in this state;

**(4)** "Licensee" means a professional bail bond company or a professional bail bondsman;

**(5)** "Professional bail bond company" means an individual who is a resident of this state, an Arkansas firm, partnership, or corporation, or a foreign corporation registered and authorized to conduct business in the State of Arkansas that pledges a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value; and

**(6)** "Professional bail bondsman" means an individual who is a resident of this state and who acts through authority of a professional bail bond company in pledging a bail bond as security in a judicial proceeding.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, §§ 1, 3.

### **17-19-102. Penalties.**

**(a)** Any person who is found guilty of violating any of the provisions of this chapter shall upon conviction be guilty of a Class A misdemeanor.

**(b)** Any person who falsely represents to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board that any person has met the education or continuing education requirements of §§ 17-19-107, 17-19-212, and 17-19-401 et seq., shall be guilty of a Class B misdemeanor and upon conviction shall be punished accordingly.

**HISTORY:** Acts 1989, No. 417, § 1; 1993, No. 499, § 6; 2005, No. 1994, §226.

### **17-19-103. Civil and criminal proceedings.**

The venue for any criminal or civil proceeding filed for any violation of this chapter shall be in the county wherein the violation occurred.

**HISTORY:** Acts 1989, No. 417, § 1.

### **17-19-104. Exemption.**

This chapter shall not affect the negotiation through a licensed broker or agent for, nor the execution or delivery of, an undertaking of bail executed by an insurer for its insured under a policy of automobile insurance or of liability insurance upon the automobile of the insured.

**HISTORY:** Acts 1989, No. 417, § 1.

### **17-19-105. Prohibitions.**

No professional bail bondsman or professional bail bond company, nor court, nor law enforcement officer, nor any individual working on behalf of a professional bail bondsman or professional bail bond company, shall:

- (1)** Require as a condition of his or her executing a bail bond that the principal agree to engage the services of a specified attorney;
- (2)** Solicit business or advertise for business in or about any place where prisoners are confined or in or about any court;
- (3)** Suggest or advise the engagement of any bail bond company or professional bail bondsman to underwrite a bail bond;
- (4)** Enter a police station, jail, sheriff's office, or other place where persons in custody of the law are detained for the purpose of obtaining employment as a professional bail bondsman or professional bail bond company, without having been previously called by a person so detained or by some relative or other authorized person acting for or in behalf of the person so detained. Whenever such an entry occurs, the person in charge of the facility shall be given and promptly record the mission of the licensee and the name of the person calling the licensee and requesting him or her to come;
- (5)** Pay a fee or rebate or give or promise anything of value to:

(A) A jailer, policeman, peace officer, committing magistrate, or any other person who has power to arrest or to hold in custody; or

(B) Any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof;

(6) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(7) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf;

(8)(A) Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety;

(B) Attempt to obtain settlement or dismissal of a case;

(C) Give or attempt to give any legal advice to one on whose bond he or she is surety; or

(9) Accept anything of value from a principal except the premium, provided that the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. The collateral security or other indemnity required by the licensee must be reasonable in relation to the amount of the bond.

**HISTORY:** Acts 1989, No. 417, § 1; 1997, No. 973, § 5.

**17-19-106. Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.**

(a) This section may be cited as the "Arkansas Professional Bail Bond Company and Professional Bail Bondsman Licensing Act".

(b)(1) There is hereby created the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

(2)(A) The board shall be composed of eight (8) members to be appointed by the Governor for terms of seven (7) years.

(B) Vacancies shall be filled by appointment of the Governor for the unexpired portion of the term.

**(3)(A)** Three (3) members of the board shall be licensed bail bond company owners, one (1) a municipal chief of police, one (1) a county sheriff, one (1) a municipal or circuit judge, and two (2) shall be residents of the state who are not a bail bond company owner, an elected judge, a sheriff, or a chief of police.

**(B)(i)** No two (2) of the three (3) bail bondsman members shall reside in the same congressional district.

**(ii)** At least one (1) board member shall be an African-American.

**(iii)** At least one (1) board member shall be a female.

**(4)** The board shall have the authority and responsibility to administer and enforce the provisions of this chapter relating to licensing and regulation of professional bail bond companies and professional bail bondsmen.

**(5)** The board shall have the authority to adopt and enforce such reasonable rules and regulations as it shall determine to be necessary to enable it to effectively and efficiently carry out its official duty of licensing and regulating professional bail bond companies and professional bail bondsmen.

**(c)** The members of the board shall receive expense reimbursement in accordance with § 25-16-901 et seq., and a stipend pursuant to § 25-16-904.

**(d)** The provisions of this section shall not be construed to repeal any laws in effect on August 13, 1993, relating to the licensing and regulation of professional bail bond companies and professional bail bondsmen but such laws shall remain in full force and effect and shall be administered by the board created herein.

**HISTORY:** Acts 1993, No. 500, §§ 1-5; 1995, No. 827, § 2; 1997, No. 250, § 126; 1999, No. 1286, § 2; 2001, No. 1817, § 1; 2009, No. 683, §§ 1, 2.

**17-19-107. Exception to education requirements.**

Any licensed professional bail bondsman who is sixty-five (65) years of age or older and who has been licensed as a bail bondsman for fifteen (15)

years or more shall be exempt from both the education and continuing education requirements of § 17-19-212 and § 17-19-401 et seq.

**HISTORY:** Acts 1993, No. 499, § 3.

**17-19-108. Rules and regulations.**

The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall adopt such reasonable rules and regulations as it shall deem necessary to assure the effective and efficient administration of §§ 17-19-107 and 17-19-212 and § 17-19-401 et seq.

**HISTORY:** Acts 1993, No. 499, § 7.

**17-19-109. Advertising by professional bail bond companies.**

**(a)** All business cards, signs, telephone ads, newspaper ads, or any other type of advertising by professional bail bond companies shall display the company name prominently to assure that the identity of the company doing the advertising is readily apparent.

**(b)** Any such advertising by or on behalf of individual professional bail bondsmen shall prominently display the name of the bail bond company and shall contain no information or other indication that the bail bondsman is independent of the company.

**HISTORY:** Acts 1993, No. 400, § 1.

**17-19-110. Licensed bail bond agent.**

**(a)** A licensed bail bond agent shall be permitted to write a bail bond in any county if:

**(1)** The agent has a current license with a current licensed professional bail bond company; and

**(2)** The agent and the agent's company are in good standing with the courts in the jurisdiction where the bond is to be posted.

**(b)** A licensed bail bond agent shall carry a current copy of his or her professional bail bond agent license that shall indicate which professional bail bond company the bondsman works for and his or her qualifying power

of attorney that is on file with the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

**(c)(1)** Only one (1) power of attorney per bond not exceeding the agent's qualifying power of attorney shall be permitted unless a court has separated the charges and amounts of bonds.

**(2)** Powers of attorney shall not be stacked.

**HISTORY:** Acts 1993, No. 402, § 1; 1999, No. 567, § 2; 2003, No. 1648, § 3; 2011, No. 94, § 1.

### **17-19-111. Fees.**

**(a)** Notwithstanding any other provisions of this chapter to the contrary, and notwithstanding any other provisions of Arkansas law to the contrary, a professional bail bond company, county sheriff, keeper of the jail or other person authorized to take bond under § 16-84-102 are hereby required to charge, collect, and remit the following fees into the Bail Bondsman Board Fund for the support, personnel, maintenance, and operations of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board and for the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission, in addition to any other fees, taxes, premium taxes, levies, or other assessments imposed in connection with the issuance of bail bonds under Arkansas law.

**(b)(1)** In addition to the bail or appearance bond premium or compensation allowed under § 17-19-301, each licensed professional bail bond company, county sheriff, keeper of the jail or other person authorized to take bond under § 16-84-102 shall charge and collect as a nonrefundable fee for the Bail Bondsman Board Fund an additional ten-dollar fee per bail bond for giving bond for each and every bail and appearance bond issued by the licensed professional bail bond company, county sheriff, keeper of the jail or other person authorized to take bond under § 16-84-102 by or through its individual licensees.

**(2)** The fees shall be collected quarterly and then reported and filed with the board no later than fifteen (15) calendar days after the end of each quarter.

**(3)** The notarized quarterly reporting form and a notarized annual reconciliation form as to all fees collected for the Bail Bondsman Board Fund shall be filed by each professional bail bond company on forms prescribed



by the board and at the times and in the manner as the board shall prescribe in conformity with this section.

**(4)** A paper-processing charge of fifteen dollars (\$15.00) shall be collected on each bail bond in order to defray the surety's costs incurred by the quarterly and annual reporting requirements contained herein and to further defray the surety's costs incurred in the collection of all fees due, owing, and collected on behalf of the Bail Bondsman Board Fund and the surety's costs incurred in the preparation of all required reports submitted in conformance with the standards established by the American Institute of Certified Public Accountants.

**(c)(1)** The board may, in its discretion, grant an extension for the filing of the report and fees for good cause shown upon timely written request.

**(2)** Absent an extension for good cause shown, each licensed professional bail bond company failing to report or pay these fees shall be liable to the Bail Bondsman Board Fund for a monetary penalty of one hundred dollars (\$100) per day for each day of delinquency.

**(3)** The board may pursue any appropriate legal remedies on behalf of the Bail Bondsman Board Fund to collect any delinquent fees and penalties owed as special revenues.

**(d)(1)** Upon collection of the fees and any monetary penalties, the board shall deposit or fund as special revenues:

**(A)** Sufficient fees and penalties directly into the Bail Bondsman Board Fund to provide for the personal services and operating expenses of the board; and

**(B)** The remainder of all fees and penalties directly into the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

**(2)** The fees and penalties shall be in addition to all other fees, licensure or registration fees, taxes, assessments, levies, or penalties payable to any federal or state office, court, agency, board, or commission or other public official or officer of the state, or its political subdivisions, including counties, cities, or municipalities, by a professional bail bond company, county sheriff, keeper of the jail or other person authorized to take bond under § 16-84-102.

**(3)(A)** Each individual bail bondsman is required to assist in collection of the fees but is exempt from the duty and responsibility of payment of the

fees to the Bail Bondsman Board Fund unless he or she misappropriates or converts such moneys to his or her own use or to the use of others not entitled to the fees.

**(B)** In that case, the board shall proceed on behalf of the Bail Bondsman Board Fund with any civil or criminal remedies at his or her disposal against the individual responsible.

**(C)** Upon criminal conviction of the individual responsible for fraudulent conversion of the moneys due the Bail Bondsman Board Fund, the individual responsible shall pay restitution to the Bail Bondsman Board Fund, and the court shall incorporate a finding to that effect in its order.

**(D)** Absent substantial evidence to the contrary, the violations of the individual may be attributed to the employing bail bond company, and any criminal or civil court may, in its discretion and upon substantial evidence, order the employing bail bond company to pay restitution to the Bail Bondsman Board Fund on behalf of the responsible individual and shall incorporate that finding into its order.

**(e)** For purposes of any statutory security deposit Arkansas law requires of professional bail bond companies, including, but not limited to, the deposit under § 17-19-205, the payment of the fees required by this section is considered to be a duty of the licensee, so as to allow the board on behalf of the Bail Bondsman Board Fund to make a claim against any such deposit for the fees required by this section and any penalties owed thereon, up to the limit of any security deposit.

**(f)** Under no circumstances shall the fees or penalties thereon held in or for deposit into the Bail Bondsman Board Fund as special revenues be subject to any tax, levy, or assessment of any kind, including, but not limited to, any bond forfeiture claims, any garnishment or general creditors' claims, any remedies under Title 16 of this Code, or other provisions of Arkansas law.

**HISTORY:** Acts 1993, No. 901, § 31; 1997, No. 1096, § 1; 1997, No. 1248, § 39; 2007, No. 730, § 1 2013, No. 1281, § 1.

### **17-19-112. Unpaid Bond Forfeiture Judgment Limits.**

**(a)(1)** There shall be an initial one hundred thousand dollars (\$100,000) limit on active unpaid bond forfeiture judgments for each bail bonding company.

**(2)** Under this section, the amount of unpaid forfeiture or forfeitures shall be determined using the face value of an unpaid forfeited bond.

**(b)** When the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board is notified of a bond forfeiture judgment under § 17-19-208(b)(1) and has issued notice to the company after ninety (90) days from the date of judgment has elapsed, the value of the forfeited bond shall count against that company's respective limit.

**(c)** When a company's unpaid bond forfeiture or forfeitures reach one hundred thousand dollars (\$100,000) or the total amount of security deposit posted with the board, whichever is higher, the company license shall be suspended.

**(d)** The license shall remain suspended until:

**(1)** The company can post an additional certificate of deposit or letter of credit with the board so that the company's security deposit exceeds the unpaid bond forfeiture or forfeitures amount;

**(2)** The bond forfeiture judgment or judgments are paid to the extent that the total amount of unpaid forfeiture or forfeitures are less than the security deposit posted with the board; or

**(3)(A)** The court that entered the bond forfeiture judgment releases the company's security deposit from responsibility on the unpaid forfeiture as required by § 17-19-208(a)(1).

**(B)** If the court releases the company's security deposit from responsibility on an unpaid bond forfeiture judgment, the release must be decreed by court order.

**(e)** If the court releases the company's security deposit from liability on a bond forfeiture, that bond amount shall not count against the company's unpaid forfeiture limit.

**(f)** A company's unpaid bond forfeiture limit shall not exceed one hundred thousand dollars (\$100,000) unless the company has posted additional security with the board and shall never exceed the company's total amount of posted security deposit or one hundred thousand dollars (\$100,000), whichever is more.

**HISTORY:** Acts 2011, No. 96, § 1.

**17-19-201. Licenses required.**

**(a)** No person shall engage in bail bond business without first having been licensed as provided in this chapter.

**(b)** A professional bail bondsman shall not execute or issue an appearance bond in this state without holding a valid appointment from a professional bail bond company and without attaching to the appearance bond an executed and numbered power of attorney referencing the professional bail bond company.

**(c)** An insurer shall not execute an undertaking of bail without being licensed as a professional bail bond company.

**(d)** A professional bail bond company shall not engage in the bail bond business:

**(1)** Without having been licensed as a professional bail bond company under this chapter; and

**(2)** Except through an agent licensed as a professional bail bondsman under this chapter.

**(e)** A professional bail bond company shall not permit any unlicensed person to solicit or engage in the bail bond business in the company's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative, or other administrative duties which do not require a license under this chapter and whose compensation is not related to or contingent upon the number of bonds written.

**HISTORY:** Acts 1989, No. 417, § 1.

**17-19-202. Applications.**

**(a)** Every applicant for a professional bail bondsman license or a professional bail bond company license shall apply on forms furnished by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

**(b)** The application of a professional bail bondsman shall be accompanied by a duly executed power of attorney issued by the professional bail bond company for whom the professional bail bondsman will be acting.

**(c)(1)** An application for a professional bail bond company license shall be

accompanied by proof that the applicant:

**(A)** Is an Arkansas partnership, firm, or corporation, a foreign corporation registered and authorized to conduct business in the State of Arkansas, or an individual who is a resident of the state; and

**(B)** Has at least one (1) owner or partner that has been licensed for at least two (2) years during the last three (3) years by the State of Arkansas as a professional bail bondsman.

**(2)** A corporation shall file proof that its most recent annual franchise tax has been paid to the Secretary of State.

**(d)(1)(A)** At the time of application for every professional bail bond company license, there shall be paid to the board:

**(i)** For a new company license, a fee of two thousand five hundred dollars (\$2,500); or

**(ii)** For a renewal of a company license, a fee of one thousand dollars (\$1,000).

**(B)** Each professional bail bond company license or renewal for a sole proprietor, partnership, or corporation shall include one (1) license for one (1) agent per company per year.

**(2)** Each applicant for a professional bail bondsman license shall pay the board a license fee of one hundred dollars (\$100) at the time of application, except that if the applicant is also an applicant as an individual for a professional bail bond company license, then the applicant shall not be required to pay a license fee for licensure as a professional bail bondsman but shall comply with all other requirements for licensure as a professional bail bondsman.

**(3)** License fees shall be payable in full on a yearly basis regardless of the date of issuance.

**(4)** Any agent who transfers his or her license from one professional bail bond company to another shall:

**(A)** Pay to the board a transfer fee of two hundred fifty dollars (\$250); and

**(B)** File with the board:

**(i)** A sworn affidavit stating that all premiums, fees, and powers

of attorney owed to or issued by the professional bail bond company from which he or she is transferring his or her license have been delivered to the company;

- (ii)** A letter of resignation addressed to the professional bail bond company from which he or she is transferring or a letter of termination addressed to him or her from the professional bail bond company terminating his or her appointment;
- (iii)** A completed agent application on forms prescribed by the board;
- (iv)** A completed company statement from the company to which he or she desires to transfer his or her license; and
- (v)** An original qualifying power of attorney issued by the company to which he or she desires to transfer his or her license.

**(5)(A)** Upon receipt of a request for transfer of a bail bondsman license, the applicable transfer fee, and the documents specified in subdivision (d)(4) of this section, the board shall forward copies of the letter of resignation, if applicable, and the sworn affidavit of the agent to the professional bail bond company from which the agent desires to transfer his or her license.

**(B)** Upon receipt of the letter of resignation, if applicable, and the sworn affidavit of the licensee, the professional bail bond company from which the agent is transferring shall have seven (7) business days to contest the agent's sworn statement.

**(C)** A professional bail bond company contesting an agent's sworn statement shall file a written complaint on forms furnished by the board setting out in detail the property that the company denies the agent has returned as attested by the sworn affidavit.

**(D)** Any documents supporting the complaint contesting the sworn affidavit and which shall be offered as evidence to prove the complaint shall be filed with the complaint.

**(E)** Upon receipt of the complaint, the Executive Director of the Professional Bail Bond Company and Professional Bail Bondsman Licensing

Board shall set the matter for informal hearing to be held within seven (7) days of receipt of the complaint and advise the professional bail bond company and the agent by certified mail, return receipt requested, of the date, time, and location of the informal hearing.

**(F)** Either party may appeal the decision of the executive director to a formal hearing before the board by filing with the board a notice of appeal within seven (7) days of receipt of the decision by the executive director.

**(G)(i)** No transfer of an agent's license shall be effective prior to the expiration of the seven-day period for contesting the transfer request unless the professional bail bond company from which the agent is requesting a transfer shall notify the board that it has no objection to the transfer, in which case the transfer may be entered prior to expiration of the seven-day period.

**(ii)** If no complaint contesting the agent's sworn affidavit is received during the seven-day contest period, the license shall be transferred as requested.

**(iii)** A professional bail bond company that does not contest the sworn affidavit of a transferring agent is not precluded by the failure to contest the sworn affidavit from filing a complaint that alleges a violation of the applicable statutes, rules, or regulations by the transferring agent upon discovery of the alleged violation by the professional bail bond company.

**(H)(i)** If the allegations of a complaint contesting the transfer are found by the board to have been established, no transfer of the license shall be accomplished until the agent accounts for, returns, or pays to the professional bail bond company contesting the transfer the property or money issued to or held in a fiduciary capacity by the agent.

**(ii)** If a complaint is filed contesting the sworn affidavit of the transferring agent, a specific finding of fact shall be made by the board concerning whether the affidavit or complaint contesting the affidavit was filed in good faith by the respective parties.

**(iii)** In the case of a finding of a lack of good faith, the party to whom the finding applies shall be subject to sanctions or disciplinary action pursuant to the provisions of § 17-19-210 and as provided by applicable rules.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 1999, No. 567, § 1; 2001, No. 1680, § 1; 2005, No. 858, § 1; 2005, No. 1960, § 1.

**17-19-203. Character references.**

Each applicant for a professional bail bondsman license shall:

**(1)** File with the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board written statements from at least three (3) persons who know his or her character;

**(2)(A)** Be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and nationwide criminal records check to be conducted by the Federal Bureau of Investigation.

**(B)** The criminal records check shall conform to the applicable federal standards and shall include the taking of fingerprints.

**(C)** The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal records check.

**(D)** Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the applicant to the board.

**(E)** At the conclusion of the criminal background check required by this subdivision (2), the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant; and

**(3)** Such other proof as the board may require that he or she is competent, trustworthy, financially responsible, and of good personal and business reputation and has not been convicted of a felony or any offense involving moral turpitude.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 1999, No. 1346, §1.

**17-19-204. Examination.**

**(a)** In order to determine the competence of each applicant for a professional bail bondsman license, the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall require every



individual to submit to, and to pass to the satisfaction of the board, a written examination to be prepared by the board and appropriate to the transaction of bail bond business.

**(b)** Such an examination shall be held in a location and at such times as the board shall determine.

**(c)** Every individual applying to take a written examination shall, at the time of applying therefor, pay to the board a nonrefundable examination fee of twenty-five dollars (\$25.00).

**(d)** If the application is approved, and if the nonrefundable examination fee is paid, an examination permit will be issued to the applicant. The permit will be valid for a period of ninety (90) days from the date of issuance. If the applicant does not schedule and appear for examination within that ninety- day period, the permit shall expire and the applicant may be required to file a new application, and shall pay another nonrefundable examination fee of twenty-five dollars (\$25.00) before issuance of another examination permit to the applicant.

**(e)** If the applicant appears for examination but fails to pass the examination, the applicant may apply for reexamination. The reexamination fee shall be a nonrefundable fee of fifteen dollars (\$15.00). The board may require a waiting period of eight (8) weeks before reexamination of an applicant who twice failed to pass previous similar examinations.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4.

**17-19-205. Letter of credit or certificate of deposit required.**

**(a)(1)** An applicant for a professional bail bond company license shall file with the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board an irrevocable letter of credit from an Arkansas chartered bank or a federally chartered bank in Arkansas or a certificate of deposit.

**(2)(A)** The letter of credit or certificate of deposit shall be approved by the board as to form and sufficiency and shall be conditioned upon faithful performance of the duties of the licensee.

**(B)** The minimum amount for a professional bail bond company initially licensed on or before July 1, 1989, shall be twenty-five thousand dollars (\$25,000).

**(C)** The minimum amount for a professional bail bond company initially licensed after July 1, 1989, shall be one hundred thousand dollars (\$100,000).

**(D)** The minimum amount for a professional bail bond company initially licensed on or after July 1, 2009, shall be two hundred fifty thousand dollars (\$250,000).

**(E)** Professional bail bond companies and professional bail bondsmen who were licensed under Act 400 of 1971 [repealed] before March 8, 1989, shall be required only to file or have on file with the board a letter of credit or certificate of deposit approved by the board as to form and sufficiency, in a minimum amount of five thousand dollars (\$5,000), conditioned upon the faithful performance of the duties of the licensee, provided they do not exceed the maximum amount of unsecured bond commitments as provided in § 17-19-304.

**(b)** A letter of credit or certificate of deposit shall not be subject to termination or cancellation by either party in less than sixty (60) days after the giving of written notice thereof to the other parties and to the board.

**(c)** A termination or cancellation shall not affect the liability of the surety or sureties on a bond incurred before the effective date of termination or cancellation.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 2009, No. 147, § 1.

#### **17-19-206. Duties of Board.**

**(a)** Before issuance of a license under this chapter, applicants for a license shall satisfy the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board as to Arkansas residency, trustworthiness, and competence, as applicable, and shall otherwise comply with the conditions and qualifications set forth in this chapter.

**(b)(1)** The board may refuse to issue a license to an applicant who fails to comply with the provisions of this chapter or rule of the board.

**(2)** The board may refuse to issue a license to an applicant that has made a material misrepresentation in the application for a license.

**(c)** Upon the approval and issuance of a license under this chapter, the board shall give notice to the sheriff of each county in the state.

**(d)** Upon revocation or suspension of license, the board shall give notice to that effect to the sheriff in each county in the state.

**(e)** The board shall maintain a complete record of registrations, revocations, and suspensions, and the record shall be available to the sheriff and county clerk of each county of the state.

**(f)** Annually, the board shall furnish the sheriffs with a list of renewal licenses.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 2007, No. 674, § 1; 2011, No. 95, § 1.

### **17-19-207. Expiration and renewal.**

**(a)** Every license issued pursuant to this chapter shall be for a term expiring on December 31 following the date of its issuance, and it may be renewed for the ensuing calendar year upon the filing of a renewal application.

**(b)** The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board may refuse to renew a license for any cause for which issuance of the original license could have been refused or for the licensee's violation of any of the provisions of this chapter or the rules and regulations of the board.

**(c)** Every licensee shall be required to file a renewal application, the form and subject matter of which shall be prescribed by the board.

**(d)(1)** At the time of application for renewal of a professional bail bond company license, there shall be paid to the board for the company's renewal license a fee of one thousand dollars (\$1,000).

**(2)** Each professional bail bondsman shall pay a fee of one hundred dollars (\$100) for renewal of the license, except that if the applicant for renewal also holds a professional bail bond company license, then the applicant shall not be required to pay a renewal fee for a professional bail bondsman license.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4.

**17-19-208. Civil action - Administrative action.**

**(a)(1)** If during the term of the letter of credit or certificate of deposit any licensee shall be guilty of misconduct or malfeasance in his or her dealings with any court or magistrate or officer or with any person or company in connection with any deposit or bail bond, the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board may maintain a civil action on the letter of credit or certificate of deposit, or may maintain an administrative action on any certificate of deposit. The board may recover for the use and benefit of the person or persons aggrieved a maximum amount of ten thousand dollars (\$10,000). The provisions of this subdivision (a)(1) shall be in addition to all other remedies available to the aggrieved person and nothing in this subdivision (a)(1) shall be construed as limiting the liability of a professional bail bond company or a professional bail bondsman.

**(2)** The board may suspend the license of such a licensee until such time as the board recovers the full amount allowable or recovers for the benefit of the persons aggrieved the amount of loss or injury sustained pursuant to subdivision (a)(1) of this section, and until such time as the licensee has filed with the board an additional letter of credit or certificate of deposit in the required amount. The board shall promptly notify the licensee as provided in subdivision (b)(2) of this section.

**(b)(1)** When a final civil judgment for court-ordered bond forfeitures is entered as to a bail bond issued by the licensee by a court of competent jurisdiction in this state and the judgment is not paid within ninety (90) days thereafter, the court may send a copy of the judgment, duly certified by the clerk of the court, and proof of service of the judgment on the licensee in accordance with Rule 5 of the Arkansas Rules of Civil Procedure to the board, and then the board may promptly make a claim on the surety for payment of the allowable amount of the licensee's letters of credit on behalf of the court or shall withdraw the allowable amount of the licensee's certificates of deposit and shall transmit to the clerk of the court so much of the securities as are allowable. The board shall honor the judgments from the respective courts up to the limits set out in subdivision (a)(1) of this section.

**(2)** Upon receipt of the judgment and proof of notice of service on the licensee, the board may suspend the license of the licensee until such time as the judgment is paid or otherwise satisfied and until such time as the licensee has filed with the board another letter of credit or certificate of deposit in the required amount. The board shall promptly notify the licensee in writing by certified mail of the claims upon the licensee's letter of credit or certificates of deposit and shall also include a copy of the board's order

of suspension.

**(3)** If the allowable amount of the letter of credit or certificate of deposit filed with the board is not sufficient to pay or otherwise satisfy the judgments as to bail bonds issued by the professional bail bond company in § 17-19-205(a), the board may promptly make a claim against the professional bail bond company on behalf of the court.

**(c)** In the event a professional bail bond company fails to file with the board the additional letter of credit or certificate of deposit to maintain the license within ninety (90) days from the effective date of the board's order of suspension as provided in subdivisions (a)(2), (b)(2), or (b)(3) of this section, the board shall cancel the license of the licensee and shall promptly notify the licensee as provided in subdivision (b)(2) of this section.

**(d)** Upon the nonrenewal, cancellation, or revocation of any license hereunder, the board will release to the licensee the qualifying bonds or certificates of deposit filed with the board only upon receipt of written documentation from all the courts in all the counties in which the licensee engaged in business that all bonds issued by the licensee have been exonerated, and that no unpaid bond forfeitures remain outstanding, and that all civil judgments as to forfeitures on bonds issued by the licensee have been paid in full.

**(e)** If a company license has been revoked because of unpaid judgments, during the appeals process the company shall file a supersedeas bond in the amount of the unpaid judgments with the court in which the appeal is taken.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 2001, No. 1679, §1; 2009, No. 633, § 18.

### **17-19-209. Violations - Hearings.**

**(a)** The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall investigate any alleged violation of this chapter.

**(b)** Any person may file a complaint stating facts constituting an alleged violation of this chapter. The complaint shall be signed under penalty of perjury.

**(c)** All hearings held under this chapter shall be conducted in the same manner as hearings held by the board under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., unless otherwise stated in this

chapter.

**(d)(1)(A)** With respect to the subject of any examination, investigation, or hearing being conducted by the board, the board or the Executive Director of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board, with board approval, may subpoena witnesses and administer oaths and affirmations, and examine an individual under oath, and may require and compel the production of records, books, papers, contracts, and other documents.

**(B)** A professional bail bondsman or professional bail bond company that fails to comply with this section may be subject to penalties under § 17-19-210.

**(2)** Subpoenas of witnesses shall be served in the same manner as if issued by a circuit court and may be served by certified mail.

**(3)** If any individual fails to obey a subpoena issued and served pursuant to this section with respect to any matter concerning which he or she may be lawfully interrogated, upon application of the board, the Pulaski County Circuit Court may issue an order requiring the individual to comply with the subpoena and to testify.

**(4)** Any failure to obey the order of the court may be punished by the court as a contempt thereof.

**(5)** Any person willfully testifying falsely under oath to any matter material to any examination, investigation, or hearing shall upon conviction be guilty of perjury and punished accordingly.

**(e)** Not less than ten (10) days in advance, the board shall give notice of the time and place of the hearing, stating the matters to be considered at the hearing.

**(f)** The board shall allow any party to the hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary evidence and to examine witnesses, to present evidence in support of his or her interest, and to have subpoenas issued by the board to compel attendance of witnesses and production of evidence in his or her behalf.

**(g)(1)** A party may appeal from any order of the board as a matter of right and shall be taken to the Pulaski County Circuit Court by filing written notice of appeal to the court and by filing a copy of the notice with the

board.

**(2)** Within thirty (30) days after filing the copy of a notice of appeal with the board, the board shall make, certify, and deposit in the office of the clerk of the court in which the appeal is pending a full and complete transcript of all proceedings had before the board and all evidence before the board in the matter, including all of the board's files therein.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 1997, No. 973, § 6; 1999, No. 1477, § 1; 2003, No. 1174, § 1; 2011, No. 218, § 1.

### **17-19-210. Suspension and penalties -- Review.**

**(a)** The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board, should it determine that the licensee or any member of a company which is so licensed committed an act listed in subsection (b) of this section, may:

**(1)** Suspend the license for up to twelve (12) months;

**(2)** Revoke or refuse to continue any license;

**(3)** Impose an administrative penalty in an amount not to exceed ten thousand dollars (\$10,000); or

**(4)** Impose both a suspension of up to twelve (12) months and an administrative penalty in an amount not to exceed ten thousand dollars (\$10,000).

**(b)** A licensee is subject to the penalties of subsection (a) of this section should it be found that the licensee:

**(1)** Violated any provision of or any obligation imposed by this chapter or any lawful rule, regulation, or order of the board or has been convicted of a felony or any offense involving moral turpitude;

**(2)** Made a material misstatement in the application for license, in the application for renewal license, or in the financial statement which accompanies the application or renewal application for license as a professional bail bond company;

**(3)** Committed any fraudulent or dishonest acts or practices or demonstrated incompetency or untrustworthiness to act as a licensee;

**(4)** Charged or received, as premium or compensation for the making of any deposit or bail bond, any sum in excess of that permitted by law;

**(5)** Required as a condition of executing a bail bond that the principal agrees to engage the services of a specified attorney;

**(6)** Signed, executed, or issued bonds with endorsements in blank, or prepared or issued fraudulent or forged bonds or power of attorney;

**(7)** Failed in the applicable regular course of business to account for and to pay premiums held by the licensee in a fiduciary capacity to the professional bail bond company or other person entitled thereto; or

**(8)** Failed to comply with the provisions of the laws of this state, or rule, regulation, or order of the board for which issuance of the license could have been refused had it then existed and been known to the board.

**(c)** The acts or conduct of a professional bail bondsman who acts within the scope of the authority delegated to him or her shall also be deemed the act or conduct of the professional bail bond company for which the professional bail bondsman is acting as agent.

**(d)** If the board finds that one (1) or more grounds exist for the suspension or revocation of a license, the board may in its discretion request that formal charges be filed against the violator and that penalties set out in § 17-19-102 be imposed.

**(e)** If the board finds that one (1) or more grounds exist for the suspension or revocation of a license and that the license has been suspended within the previous twenty-four (24) months, then the board shall revoke the license.

**(f)** The board may not again issue a license under this chapter to any person or entity whose license has been revoked.

**(g)** If the board determines that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, a summary suspension of a license issued under this chapter may be ordered pending an administrative hearing before the board, which shall be promptly instituted.

**(h)** If a professional bail bond company license is so suspended or revoked, a member of the company or officer or director of the corporation shall not be licensed or be designated in any license to exercise the powers thereof during the period of the suspension or revocation, unless the board



determines upon substantial evidence that the member, officer, or director was not personally at fault and did not acquiesce in the matter on account of which the license was suspended or revoked.

**(i)** The action of the board in issuing or refusing to issue or in suspending or revoking any license shall be subject to review by the Pulaski County Circuit Court upon filing of an action therefor within thirty (30) days after the issuance of written notice by the board of the action taken.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 4; 2011, No. 97, § 1.

### **17-19-211. (Repealed)**

### **17-19-212. Licenses.**

Each applicant for an initial bail bondsman license who satisfactorily completes the examination and meets the other qualifications and requirements prescribed by law, including the completion of a minimum of eight (8) hours of education in subjects pertaining to the authority and responsibilities of a bail bondsman and a review of the laws and regulations relating thereto, shall be licensed by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

**HISTORY:** Acts 1993, No. 499, § 1; 1997, No. 973, § 8; 1999, No. 567, § 3.

### **17-19-301. Premiums.**

**(a)** With the exception of other provisions of this section, the premium or compensation for giving bond or depositing money or property as bail on any bond shall be ten percent (10%), except that the amount may be rounded up to the nearest five-dollar amount.

**(b)** The minimum compensation for giving bond or depositing money or property as bail on any bond shall be not less than fifty dollars (\$50.00).

**(c)** If a bail bond or appearance bond issued by a licensee under this chapter must be replaced with another bail bond or appearance bond because of the licensee's violation of any provision of the laws of this state or any rule, regulation, or order of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board, the licensee who violated the

provision and who caused the replacement to be required shall pay all the premium amount for the replacement bond, in an amount not to exceed the amount of the original bond, without any contribution from the respective defendant or principal.

**(d)(1)(A)** In addition to the ten percent bail or appearance bond premium or compensation allowed in subsection (a) of this section, and starting on July 1, 2013, each licensed professional bail bond company, sheriff or keeper of the jail shall charge and collect as a nonrefundable administrative and regulatory fee for the board an additional ten dollars (\$10.00) per bond fee for giving bond for every bail and appearance bond issued by the licensed professional bail bond company by or through its individual licensees , sheriff or keeper of the jail.

**(B)** The administrative and regulatory fees payable by these companies to the fund for the support and operation of the board, and collected by the bail bond companies, sheriff or keeper of the jail as required by this section, shall be reported and filed with the board no later than fifteen (15) calendar days after the end of each calendar quarter, contemporaneous with the professional bail bond company's filing of its quarterly bail bond report with the board.

**(C)** A notarized annual reconciliation of all fees collected in the preceding calendar year for the fund shall be filed by each licensed professional bail bond company at a time and on forms prescribed by the board.

**(D)** The Executive Director of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board may grant an extension for good cause shown upon timely written request.

**(E)** The administrative and regulatory fees payable by the bail bond companies, sheriff or keeper of the jail to the fund shall not exceed ten dollars (\$10.00) per bond, as required by this subchapter, exclusive of statutory licensure fees elsewhere in this chapter.

**(F)** Upon collection of the fees and any monetary penalties, the board shall deposit as special revenues;

(i) Sufficient fees and penalties directly into the Bail Bondsman Board Fund to provide for the personal services and operating expenses of the board under subsection (g) of this section ; and

(ii) The remainder of all fees and penalties directly into the

Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

**(2)(A)** Absent an extension granted by the executive director for good cause to a company and in addition to any license suspension or revocation, the executive director may order after notice and a hearing a professional bail bond company failing timely to report or pay the regulatory fee to the fund by and through the executive director shall be liable to the fund for a monetary penalty of one hundred dollars (\$100) per day for each day of delinquency.

**(B)** The board may pursue any appropriate legal remedies on behalf of the fund to collect any delinquent fees and penalties owed under this section as special revenues to the fund.

**(3)** Upon collection of the regulatory fees and any monetary penalties payable to the fund and assessed under this section, the executive director shall deposit all fees and penalties directly into the fund as special revenues.

**(4)(A)** Upon failure of the bail bond company to remit the fees timely, the board may pursue civil legal remedies against the noncomplying bail bond company on behalf of the fund to recover the balance of the fees and any penalties owed.

**(B)(i)** The board may also fine, or suspend or revoke the license of, any professional bail bond company failing to make a quarterly report or remit or pay timely the fees required by this section as required by law.

**(ii)** The board may promulgate rules for enforcement.

**(5)(A)** Other than sole proprietors licensed as professional bail bond companies, individual bail bondsmen are exempt from the duty of payment of the administrative and regulatory fees to the Bail Bondsman Board Fund, except that the individual licenses of individual employees of the professional bail bond company may be suspended or revoked by the board under the administrative procedures provided in this chapter if the individual licensee fails to comply with his or her duties in proper collection of the bail bond premiums earmarked for later payment to the Bail Bond Operating Fund under this subsection, if he or she converts the moneys to his or her own use, or if he or she commits other infractions in regard to collection of such premium amounts.

**(B)** In those instances, the violations of the individual may in the board's discretion be attributed to the employing professional bail bond company for good cause shown, and the license of the employing professional bail bond company may be sanctioned by the executive director under the administrative procedures provided in this chapter.

**(C)** Further, upon criminal conviction of the individual bondsman for theft of property in connection with fraudulent conversion of those premium amounts due the Bail Bondsman Board Fund, the board shall revoke the individual's license, and fine or suspend or revoke the license of the employing professional bail bond company if it assisted the individual in such fraudulent conduct.

**(6)(A)** For purposes of § 17-19-205 requiring the professional bail bond company's deposit of a letter of credit or certificate of deposit for the faithful performance of its duties, the company's payment of the administrative and regulatory fee required by this subsection is the duty of the licensee so as to allow the executive director to make a claim against the security deposit required in § 17-19-205 on behalf of the Bail Bondsman Board Fund for the balance of any owed and unpaid administrative and regulatory fees the professional bail bond company still owes to the Bail Bondsman Board Fund, and the executive director shall promptly make claims against security deposits on behalf of the Bail Bondsman Board Fund, up to the limit of the company's deposit for any remaining fee balance due, in the manner provided in this subchapter for any claim against the deposit required in this chapter.

**(B)** Deposits held for the Bail Bondsman Board Fund, or fees or any moneys deposited into the Bail Bondsman Board Fund are not subject to any levy or assessment of any kind, including forfeiture claims, misconduct claims, or general creditor claims of the bail bond company, subject to garnishment or other creditors' remedies under Title 16 of this Code or other provisions of Arkansas law.

**(e)(1)** In addition to the premiums, compensation, and fees allowed in subsections (a) and (d) of this section, each sheriff, keeper of the jail *or* bail bond company shall charge and collect twenty dollars (\$20.00) as a nonrefundable fee for the Arkansas Public Defender Commission.

**(2)** All fees collected shall be forwarded to the board for deposit into the Public Defender User Fee Fund.

**(3)(A)** The commission shall deposit the money collected into the

existing account within the State Central Services Fund entitled "Public Defender User Fees".

**(B)(i)** Three dollars (\$3.00) of each fee collected under this section shall be remitted to each county in the state to defray the operating expenses of each county's public defender office.

**(ii)** The commission shall remit quarterly to each county treasurer the county's portion of the fee collected under this section using the formula for the County Aid Fund under § 19-5-602.

**(4)** The fees collected by the bail bond companies required under this subsection shall be reported and filed with the commission quarterly.

**(5)** A notarized annual reconciliation of all fees collected in the preceding calendar year shall be filed by each bail bond company by February 15 on forms provided by the board.

**(6)** In addition to the bail or appearance bond premium or compensation allowed under this section and § 17-19-111, each licensed professional bail bond company, sheriff or keeper of the jail shall charge and collect a processing fee of five dollars (\$5.00) on each bail bond in order to defray the surety's costs incurred by the quarterly and annual reports to the commission and to further defray the surety's costs incurred in the collection of all fees on behalf of the commission.

**(7)** The board may pursue any appropriate legal remedy for the collection of any delinquent fees owed under this subsection.

**(8)** Upon collection of any fees and penalties, the board shall forward all fees and penalties to the commission for deposit into the Public Defender User Fees Fund account within the State Central Services Fund.

**(f)(1)** In addition to the premiums, compensation, and fees allowed under this chapter, each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under § 16-84-102 shall charge and collect as a non-refundable administrative bail bond fee for the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund and additional fee of six dollars (\$6.00) per bail bond for giving bond for every bail bond issued by the professional bail bond company buy or through its individual licensees, sheriff, keeper of the jail , or any person authorized to

take bail under § 16-84-102.

**(2)** The fees and penalties collected under this subsection by a professional bail bond company, sheriff, keeper of the jail or a person authorized to take bail under § 16-84-102 shall be forwarded to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for deposit into the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund.

**(3)** The board shall deposit the money collected into the existing account with the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund to be used for the establishment and operation of alcohol abuse programs, drug abuse programs, crime prevention programs, and other related purposes in the counties.

**(4)** The fees required under this subsection and collected by the bail bond companies, sheriff, keeper of the jail, or persons authorized to take bail under § 16-84-102 shall be reported quarterly and filed with the board.

**(5)(A)** Within fifteen (15) days after receiving the quarterly fees from the bail bond companies, sheriff, keeper of the jail, or persons authorized to take bail under § 16-84-102, the board shall remit the fees collected under this subsection to the Arkansas Sheriff's Association.

**(B)** The Arkansas Sheriff's Association is the official organization of sheriff's in this state and is organized and exists under the Arkansas Nonprofit Corporation Act §§ 4-28-201 – 4-28-206 and §§ 4-28-209 – 4-28-224.

**(6)** a notarized annual reconciliation of all fees collected in the preceding calendar year shall be filed on forms provided by the board by each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under § 16-84-102 by February 15.

**(7)** The Department of Finance and Administration may pursue any appropriate legal remedy for the collection of delinquent fees and penalties owed under this subsection against an entity that has a duty to collect the fees under this subsection.

**(8)** The Board shall promulgate rules to suspend, revoke, or take disciplinary action for noncompliance in failure to remit or pay fees

under this section or in failure to report under this section.

**(g)(1)(A)** In addition to the premiums and fees allowed under this chapter, each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under § 16-84-102 shall charge and collect an additional fee of four dollars (\$4.00) per bail bond for every bail bond issued by the professional bail bond company, by or through its individual licensees, sheriff, keeper of the jail, or any person authorized to take bail under § 16-84-102.

**(B)** The administrative bail bond fee is nonrefundable and shall be deposited into the Bail Bond Recovery Fund.

**(2)** The fees and penalties collected under this subsection by the professional bail bond company, sheriff, keeper of the jail, or a person authorized to take bail under § 16-84-102 shall be forwarded to the board for deposit into the Bail Bond Recovery Fund.

**(3)(A)** the board shall deposit the money collected into the existing account within the Bail Bond Recovery Fund.

**(B)** Use of the funds from the Bail Bond Recovery Fund shall be for professional bail bond forfeitures.

**(4)** The fees collected by the bail bond company, sheriff, keeper of the jail, or a person authorized to take bail under § 16-84-102 required under this subsection shall be reported quarterly and filed with the board.

**(5)** A notarized annual reconciliation of all fees collected in the preceding calendar year shall be filed on forms provided by the board by each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under § 16-84-102 by February 15.

**(6)** The board may pursue any appropriate legal remedy for the collection of delinquent fees and penalties owed under this subsection against an entity that has a duty under this subsection to collect the fee.

**(7)** The board shall promulgate rules to suspend, revoke, or take disciplinary action for noncompliance in failure to remit or pay fees under this section or for failure to report under this section.

**(h)** A sheriff, keeper of the jail, and any bail bond company shall collect fees as required under §§ 14-52-111, 17-19-111, 17-19-301 and 21-6-307 and other fees as required by law.

**HISTORY:** Acts 1989, No. 417, § 1; 1993, No. 652, § 6; 1995, No. 827, § 6; 1997, No. 1000, §§ 12-14; 2003, No. 1778, § 1; 2005, No. 1956, § 1; 2007, No. 190, § 1; 2007, No. 730, §§ 2, 3. 2013, No. 1283, § 2,3.

**17-19-302. Collateral -- Receipt required.**

When a licensee accepts collateral, he or she shall give a prenumbered written receipt for it, and this receipt shall give in detail a full account of the collateral received. The licensee may perfect his or her lien on the collateral by any procedure available under the Uniform Commercial Code, § 4-1-101 et seq., or any other procedure provided for by law.

**HISTORY:** Acts 1989, No. 417, § 1; 1997, No. 973, § 9.

**17-19-303. Bail bonds - Numbers - Report.**

**(a)** Bail bonds shall be written on numbered forms.

**(b)** The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall assign numbers for forms to professional bail bond companies and shall prescribe the method of affixing the numbers to the forms.

**(c)(1)** Each professional bail bond company shall file a bail bond report quarterly with the board.

**(2)** The report shall include the following information on each bail bond:

**(A)** The assigned number of the bond and current status of the bond, whether pending disposition or exonerated;

**(B)** To whom the bond was written;

**(C)** The date the bail bond was written;

**(D)** The defendant and the charges against the defendant;

**(E)** The court;



(F) The amount of the bail bond; and

(G) The portion of the bail bond that is secured and the unsecured portion.

**HISTORY:** Acts 1989, No. 417, § 1; 1995, No. 827, § 7.

**17-19-304. [Repealed.]**

**17-19-305. Appearance bond.**

Upon issuance of the license, a professional bail bondsman shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the power of attorney filed with the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board until the board receives a duly executed power of attorney from the professional bail bond company evidencing or authorizing increased monetary limits or amounts for the recognizance.

**HISTORY:** Acts 1989, No. 417, § 1.

**17-19-306. Posting of bondsmen list.**

(a)(1) The chief law enforcement officers of any facilities having individuals or prisoners in their custody shall post in plain view in the facility housing those individuals or prisoners a list of registered bonding companies.

(2) The list shall be prepared by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board and shall contain the names of the professional bail bond companies that are registered with the board for the purpose of being included on the list.

(3) This registration is for the purpose of being on the phone list in each county only.

(4)(A) Once a professional bail bond company has registered to be on the phone list, it shall not be necessary for it to register each year.

(B) The company shall keep its place on the list from year to year unless the company's license has been revoked, canceled, or not renewed.

**(5)** The list shall be posted in each municipality of the county.

**(b)(1)(A)** Professional bail bond companies shall be included on the list in the order in which they were initially registered with the circuit clerk pursuant to this chapter.

**(B)** However, a company with a revoked, canceled, or nonrenewed license shall be removed from the list.

**(2)(A)** On or before January 1, 2008, the circuit clerk of each county shall certify the list as it exists on the date of certification and forward the certified list to the board.

**(B)** After January 1, 2008, the board shall maintain the list and be responsible for registrations.

**(3)(A)** The order of the company names shall not change from year to year.

**(B)** However, a company with a revoked, canceled, or nonrenewed license shall be removed from the list.

**(c)** The list shall be prepared by the board pursuant to the following specifications:

**(1)** The list shall contain three (3) columns that shall be headed as follows:

**(A)** Bail bond company;

**(B)** Local address; and

**(C)** Telephone number;

**(2)** Each column shall contain the following information:

**(A)** Bail Bond Company. The professional bail bond company name and code number shall be typed in the first column on the left-hand side of the page, with the home office address, city, state, zip code, and home office telephone numbers directly under the company name in the same column. No more than two (2) telephone numbers shall be listed for each company;

**(B)** Local Address. The second column shall contain one (1) address

for each bail bond company; and

**(C)** Telephone Number. The third column shall contain no more than two (2) telephone numbers per company, to be typed directly across the page from the local address, which appears in the second column; and

**(3)** A solid line shall be placed between the end of the listing of one company and the beginning of the listing of the next company so that each company is clearly identified.

**(d)** The list shall be prepared by the board in the format of the following example:

BAIL BOND COMPANY	LOCAL ADDRESS	TELEPHONE #
Company Name #AZ Home Office Address City, State, Zip Home Office Phone Number(s) (2)		555-0000 1-800-666-0000
Company Name #ZA Home Office Address City, State, Zip Home Office Phone Number(s) (2)		
Company Name #DX Home Office Address City, State, Zip Home Office Phone Number(s) (2)		

**HISTORY:** Acts 1989, No. 417, § 1; 1993, No. 402, § 1; 2001, No. 1139, §1; 2007, No. 674, § 2.

### **17-19-401. Requirements.**

**(a)** Each person licensed as a professional bail bondsman shall annually complete not less than six (6) hours of continuing education in subjects relating to the authority and responsibilities of a bail bondsman as a condition of renewing his or her license.

**(b)** The continuing education shall not include written or oral examinations.

**HISTORY:** Acts 1993, No. 499, § 2; 1999, No. 567, § 4; 2005, No. 1935, §1.

**17-19-402. Establishment of program - Schedule of fees.**

**(a)(1)** The Arkansas Professional Bail Association on an annual basis shall solicit proposals from education provider applicants that are approved by the State Board of Private Career Education as education providers, and the Arkansas Professional Bail Association will submit the approved providers to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for final approval.

**(2)** Upon review of the proposals, the association shall designate an entity or entities to establish an educational program for professional bail bondsmen that will enable bail bondsmen to meet the prelicense and continuing education requirements of § 17-19-212 and § 17-19-401 et seq.

**(b)(1)** The association or its designee shall establish a schedule of fees to be paid by each bail bondsman for the educational training.

**(2)** The schedule of fees submitted by the association shall be subject to approval of the board.

**HISTORY:** Acts 1993, No. 499, § 4; 1997, No. 909, § 1; 2009, No. 491, § 1; 2011, No. 36, § 1.

**19-5-1088. Bail Bondsman Board Fund**

**(a)** There is established on the books of the Treasurer of the State, the Auditor of the State, the Chief Fiscal Officer of the State a fund to be known as the "Bail Bondsman Board Fund"

**(b)** This fund shall consist of those moneys collected under §§ 17-19-111 and 17-19-301 and other moneys from the collection of fees, there to be used exclusively for the operation of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

**19-6-820. Bail Bond Recovery Fund**

**(a)** There is created on the books of the Treasurer of the State, the Auditor of the State, the Chief Fiscal Officer of the State a special revenue fund to be known as the "Bail Bond Recovery Fund".

**(b)(1)** All moneys collected under § 17-19-301(g) shall be deposited into

the State Treasury to the credit of the fund as special revenues.

**(2)**The fund shall also consist of any other revenues authorized by law.

**(c)** The fund shall be used exclusively for the recovery of forfeited professional bonds.

**(d)** The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall promulgate rules concerning the disbursements of the fund.

**(e)(1)** The board shall promulgate rules to suspend, revoke, or take disciplinary action for non-compliance in failure to remit or pay fees under this section or for failure to report under this section.

**(2)** The Department of Finance and Administration may pursue any appropriate legal remedy for the collection of and remittance of the delinquent fees and penalties owed under this section against any entity that has a duty to collect or remit these fees.

**HISTORY:** Act 2013, No. 1283, § 5.

**21-6-307. Sheriffs.**

**(a)** The following fees shall be charged by each of the sheriffs of the several counties of the State of Arkansas:

**(1)** For serving every summons, capias, scire facias, attachment, writ of garnishment, writ of injunction, or subpoena ..... \$ 30.00

**(2)** For serving a writ of execution ..... 100.00

**(3)** For commission for receiving and paying money on execution or process when lands or goods have been taken into custody, advertised, or sold ..... 10%

**(4)** For every return of a writ, summons, or subpoena, original or judicial..... 20.00

**(5)** For executing a writ of inquiry ..... 20.00

**(6)** For executing a certificate of purchase for real estate under execution..... 20.00

- (7) For making, executing, and subscribing a sheriff's deed to be paid by purchaser ..... 30.00
- (8) For serving each order, notice, or rule of any court .....30.00
- (9) For serving each notice to vacate ..... 30.00
- (10) For advertising goods or lands for sale ..... 30.00
- (11) For returning each execution or attachment ..... 20.00
- (12) For advertising elections in each voting precinct .....20.00
- (13) For delivering voter registration books for each voting precinct ..... 20.00
- (14) For serving warrant or order of arrest from any court .....50.00
- (15) For taking and entering every bail or delivery bond .....20.00
- (16) For attending every trial of a criminal or civil case of confession in open court ..... 20.00
- (17) For serving subpoena for special jurors .....20.00

**(b)(1)** Seventy-five percent (75%) of all fees collected by the sheriff shall be paid into the county treasury in the manner provided by law, or to the person entitled to receive the money, or to his or her order, or to his or her attorney of record.

**(2)(A)** The remaining twenty-five percent (25%) of all fees collected by the sheriff shall be used by the sheriff to establish a special fund to be known as the communications facility and equipment fund.

**(B)** All funds so designated shall be invested by the sheriff in an interest-bearing account or certificate of deposit in one (1) or more banking institutions domiciled within the State of Arkansas and insured by the Federal Deposit Insurance Corporation.

**(C)** All sums paid into the communications facility and equipment fund by the sheriff may accumulate as to principal and interest until such time as the deposits or a portion thereof are needed by the sheriff to:

- (i) Train operations staff;

- (ii) Operate, equip, repair, or replace existing communications equipment;
- (iii) Purchase additional communications equipment; or
- (iv) Otherwise improve a communications facility or system for the sheriff's department.

(D) At the discretion of the sheriff, any funds not needed by the sheriff for any of the purposes under this subdivision (b)(2) may be transferred to the county general fund.

(c) The court clerk shall on or before the fifteenth day of each month transmit to the sheriff the fees collected under this section, and the sheriff shall dispose of the fees as provided in this section.

(d) If more persons than one are named in a writ, process, or subpoena, fees shall be charged for each named, unless parties reside or are employed in the same location.

(e) The fees provided shall be for serving of process from any of the several courts of the county.

(f) The fees set forth in this section shall be the sole and exclusive fees to be charged by the sheriffs of the several counties of this state for each of the services enumerated in this section.

**HISTORY:** Acts 1977, No. 399, § 1; 1981, No. 256, § 1; 1983, No. 717, § 1; 1985, No. 851, § 1; A.S.A. 1947, § 12-1722; Acts 1995, No. 662, § 1; 2001, No. 1427, § 1; 2003, No. 1338, § 1.